



PATENT
Docket No. 514152000100

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: SPECTRUM DIVISION MULTIPLEXING FOR HIGH CHANNEL COUNT OPTICAL NETWORKS, the specification of which is attached hereto unless the following box is checked:

was filed on December 21, 2001 as United States Application Serial No. 10/032,180.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

| Application No. | Country | Date of Filing (day/month/year) | Priority Claimed? |
|-----------------|---------|------------------------------------|--|
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Serial No. | Filing Date |
|------------------------|-------------|
| | |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| Application Serial No. | Filing Date | Status |
|------------------------|-------------|--|
| 09/738,904 | 12/16/2000 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

| | |
|---------------------------------------|---|
| Lisa A. Amii (Reg No. 48,199) | Randolph Ted Apple (Reg No. 36,429) |
| Mehran Arjomand (Reg No. 48,231) | Laurie A. Axford (Reg No. 35,053) |
| Sanjay S. Bagade (Reg No. 42,280) | Erwin J. Basinski (Reg No. 34,773) |
| Shantanu Basu (Reg No. 43,318) | Richard R. Batt (Reg No. 43,485) |
| Vincent J. Belusko (Reg No. 30,820) | Jonathan Bockman (Reg No. 45,640) |
| Kimberly A. Bolin (Reg No. 44,546) | Barry E. Bretschneider (Reg No. 28,055) |
| Tyler S. Brown (Reg No. 36,465) | Nicholas Buffinger (Reg No. 39,124) |
| A. Randall Camacho (Reg No. 46,595) | Mark R. Carter (Reg No. 39,131) |
| Robert K. Cerpa (Reg No. 39,933) | Peng Chen (Reg No. 43,543) |
| Alex Chartove (Reg No. 31,942) | Thomas Chuang (Reg No. 44,616) |
| Thomas E. Ciotti (Reg No. 21,013) | Cara M. Coburn (Reg No. 46,631) |
| Matthew M. D'Amore (Reg No. 42,457) | Raj S. Davé (Reg No. 42,465) |
| Peter Davis (Reg No. 36,119) | David Devernoe (Reg No. P-50,128) |
| Karen B. Dow (Reg No. 29,684) | Stephen C. Durant (Reg No. 31,506) |
| Carolyn A. Favorito (Reg No. 39,183) | David L. Fehrman (Reg No. 28,600) |
| Hector Gallegos (Reg No. 40,614) | Thomas George (Reg No. 45,740) |
| Deborah S. Gladstein (Reg No. 43,636) | Debra J. Glaister (Reg No. 33,888) |
| Kenneth R. Glick (Reg No. 28,612) | Bruce D. Grant (Reg No. 47,608) |
| Johney U. Han (Reg No. 45,565) | Douglas G. Hodder (Reg No. 41,840) |
| Alan S. Hodes (Reg No. 38,185) | Charles D. Holland (Reg No. 35,196) |
| Kelvan P. Howard (Reg No. P48,999) | Peter Hsieh (Reg No. 44,780) |
| Jill A. Jacobson (Reg No. 40,030) | Wayne Jaeschke, Jr. (Reg No. 38,503) |
| Madeline I. Johnston (Reg No. 36,174) | Parisa Jorjani (Reg No. 46,813) |
| Ararat Kapouytian (Reg No. 40,044) | Richard C. Kim (Reg No. 40,046) |
| Cameron A. King (Reg No. 41,897) | Lawrence B. Kong (Reg No. P49,043) |
| Kawai Lau (Reg No. 44,461) | Glenn Kubota (Reg No. 44,197) |
| Rimas T. Lukas (Reg No. 46,451) | Michael J. Mauriel (Reg No. 44,226) |
| Gladys H. Monroy (Reg No. 32,430) | Philip A. Morin (Reg No. P-45,926) |
| Kate H. Murashige | Mabel Ng (Reg No. P48,922) |
| Martin M. Noonan (Reg No. 44,264) | Catherine M. Polizzi (Reg No. 40,130) |
| Phillip Reilly (Reg No. 41,415) | Robert E. Scheid (Reg. No. 42,126) |
| Debra A. Shetka (Reg No. 33,309) | Terri Shieh-Newton (Reg No. 47,081) |
| Kevin R. Spivak (Reg No. 43,148) | Stanley H. Thompson (Reg No. 45,160) |
| Thomas L. Treffert (Reg No. P48,279) | Brenda J. Wallach (Reg No. 45,193) |
| Michael R. Ward (Reg No. 38,651) | E. Thomas Wheelock (Reg No. 28,825) |
| Todd W. Wight (Reg No. 45,218) | Eric Witt (Reg No. 44,408) |
| Frank Wu (Reg No. 41,386) | David T. Yang (Reg No. 44,415) |
| Peter J. Yim (Reg No. 44,417) | George C. Yu (Reg No. 44,418) |
| Karen R. Zachow (Reg No. 46,332) | |

and:

Please direct all communications to:

Stephen C. Durant
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482

Please direct all telephone calls to Stephen C. Durant at (415) 268-6982.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Feb 15, 2002

Date

X - - Q -
Name: Charles X.W. QIAN
Residence: 1018 Cranberry Dr., Cupertino, California 95014
Citizenship: Canadian
Post Office Address: 1018 Cranberry Dr., Cupertino, California 95014

Feb 15, 2002

Date

Yi
Name: Yifan LI
Residence: 45777 Cheyenne Place, Fremont, California 94539
Citizenship: Canadian
Post Office Address: 45777 Cheyenne Place, Fremont, California 94539

2-15-2002

Date

Yi
Name: Yi QIN
Residence: 2656 Calle Morelia, Pleasanton, California 94566
Citizenship: U.S.
Post Office Address: 2656 Calle Morelia, Pleasanton, California 94566

2/15/2002

Date

Su
Name: Zhenpeng SU
Residence: 39458 Stratton CMN, Fremont, California 94538
Citizenship: Chinese
Post Office Address: 39458 Stratton CMN, Fremont, California 94538



PATENT
Docket No. 514152000100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Charles X.W. QIAN, et al.

Serial No.: 10/032,180

Filing Date: December 21, 2001

For: SPECTRUM DIVISION
MULTIPLEXING FOR HIGH
CHANNEL COUNT OPTICAL
NETWORKS

Examiner: To Be Assigned

Group Art Unit: 2633

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY
UNDER 37 C.F.R. § 3.71**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Nexfon Corporation, the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Lisa A. Amii (Reg No. 48,199)
Mehran Arjomand (Reg No. 48,231)
Sanjay S. Bagade (Reg No. 42,280)
Shantanu Basu (Reg No. 43,318)
Vincent J. Belusko (Reg No. 30,820)
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Todd W. Wight (Reg No. 45,218)
Frank Wu (Reg No. 41,386)
Peter J. Yim (Reg No. 44,417)
Karen R. Zachow (Reg No. 46,332)

all of Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, telephone (415) 268-7000, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all written communications relative to this application to:

Stephen C. Durant
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482

Please direct all telephone communications to Stephen C. Durant at (415) 268-6982.

Nexfon Corporation
a California corporation

Dated: Feb. 15th, 2002


Name: Yi Qin
Title: Chief Executive Officer
Address: 8065 Fremont Boulevard
Fremont, California 94538

ASSIGNMENT
JOINT

CO

COPY

THIS ASSIGNMENT, by Charles X.W. QIAN, Yifan LI, Yi QIN, and Zhenpeng SU (hereinafter referred to as the assignors), residing at 1018 Cranberry Dr., Cupertino, California 95014, 45777 Cheyenne Place, Fremont, California 94539, 2656 Calle Morelia, Pleasanton, California 94566 and 39458 Stratton CMN, Fremont, California 94538, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in SPECTRUM DIVISION MULTIPLEXING FOR HIGH CHANNEL COUNT OPTICAL NETWORKS, set forth in an application for Letters Patent of the United States, bearing Serial No. 10/032,180 and filed on December 21, 2001; and

WHEREAS, Nefon Corporation, a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 8065 Fremont Boulevard, Fremont, California 94538 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

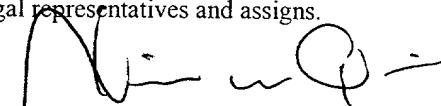
AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

2-15-2002

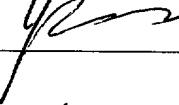
Date



Charles X.W. QIAN

2-15-2002

Date



Yifan LI

2-15-2002

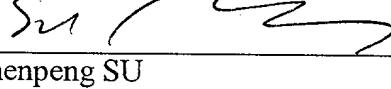
Date



Yi QIN

2/15/2002

Date



Zhenpeng SU

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